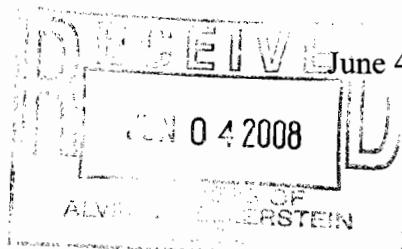


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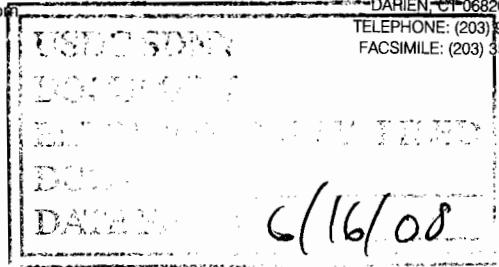
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June 4, 2008



Our ref: 204-08/ROSS

In light of def't's ^{obj} to the issues
 filed June 4, 2008, the issues
 will be discussed at conf'')
 June 20, 2008, 9³⁰ a.m.
 6-16-08
Darren

BY HAND

The Honorable Alvin K. Hellerstein
 Daniel Patrick Moynihan U.S. Courthouse
 500 Pearl Street
 Room 910
 New York, New York 10007

RE: Marittrans S.A. v. Harvester Shipmanagement Ltd.
 08 CV 3831 (AKH)

Dear Judge Hellerstein:

We are attorneys representing the Plaintiff in the captioned litigation, in which Plaintiff claimed a breach of a maritime contract subject to London arbitration and obtained a Process of Maritime Attachment and Garnishment ("PMAG") against the Defendant Harvester Shipmanagement Ltd. ("Harvester") in the sum of \$4,202,061. Pursuant to the PMAG, the Plaintiff successfully captured the full amount of the aforementioned claim, which funds are currently being restrained by Bank of New York Mellon and HSBC Bank.

Recently, Harvester filed an Answer to the Verified Complaint, which brought to our attention a misspelling of the Plaintiff's name. While the Verified Complaint and related attachment pleadings referred our client as "Marittrans S.A.", the proper spelling of the Plaintiff is "Manittrans S.A.". Under the circumstances, we respectfully ask for leave of Court to file an Amended Verified Complaint correcting the above misspelled name of the Plaintiff.

In addition to answering the Verified Complaint, Harvester filed a Motion seeking countersecurity solely for potential attorney fees and costs in defending the Plaintiff's claim in London arbitration pursuant to Rule E(2)(b) of the Supplemental Rules of Admiralty for Maritime Claims. Harvester admittedly has no counterclaim. While our Courts have freely allowed countersecurity with respect to counterclaims being asserted in London arbitration, we believe that the Defendant does not have the right to obtain countersecurity solely relating to the potential attorney fees and costs that it may occur in London arbitration by way of defending the Plaintiff's claim. (See: *Med-Asia Shipping Ltd. v. COSCO Beijing Int'l Freight Co.*, No. 07 CV 9624, 2008 WL 925331 (S.D.N.Y. April 2, 2008) and authority cited therein.) Subject to approval by the Court, opposing counsel and we agreed to a briefing schedule on this Motion as follows:

Plaintiff's Opposition Papers due June 17, 2008;

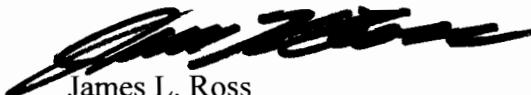
Defendant's Reply due June 24, 2008.

It is important to note that while Harvester has moved to obtain countersecurity, they have not moved to vacate or challenge the validity of the Plaintiff's attachment. Under the circumstances, we requested opposing counsel for their consent to allow us to file the attached Amended Verified Complaint. Unfortunately, they have not consented, which prompted our writing this letter to the Court. Kindly note that the attached Amended Verified Complaint contains identical language as that in the originally filed Verified Complaint, except for the fact that we have corrected the spelling of the name of the Plaintiff.

Clearly, there would be no prejudice to the Defendant by allowing the filing of this Amended Verified Complaint. There are no additional allegations or claims asserted in the Amended Verified Complaint and pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, we believe that justice would best be served by the Court allowing the requested amendment of the Verified Complaint.

In closing, we respectfully ask (a) for leave of Court to file the attached Amended Verified Complaint and (b) that the Courts adopt the proposed scheduling Order herein for hearing the Motion of the Defendant seeking countersecurity. By a copy of this fax, we are serving the proposed Amended Verified Complaint upon Holland & Knight, attorneys representing Harvester.

Respectfully submitted,
FREEHILL HOGAN & MAHAR, LLP



James L. Ross

ROSS:lu

enc.

cc: Holland & Knight (w/enc.)

Attn: James H. Power, Esq./Lissa D. Schaupp, Esq.

Fax: 212 385 9010